

REMARKS

The Office examined claims 1-34 and rejected same. With this paper, claims 1-3, 5, 7, 14, 16-30 and 33 are amended, claims 31, 32 and 34 are canceled, and new claim 35 is added. The application now includes claims 1-30, 33 and 35.

Claim Rejections under 35 USC §101

Claims 16-33 are rejected under 35 USC §101 because the claimed invention is directed to non-statutory subject matter.

With this paper, claims 16-30 and 33 are amended, and claims 31 and 32 are canceled. The claimed apparatus according to amended claims 16-30 comprises functional units that are configured to produce tangible results. The support for the amendment can be found on page 9, line 21 to page 10, line 7 and Fig. 4 of the originally filed application. The amended claim 33 pertains to a computer program product comprising a computer-readable medium. Such a product is believed to be statutory.

Applicant respectfully requests the rejection under 35 USC §101 be withdrawn.

Claim Rejections under 35 USC §102

Claims 1-33 are rejected under 35 USC §102(b) as being anticipated by Takagi et al (U.S. Patent No. 6,091,733, Takagi hereinafter).

In the rejected claims, claim 1 is an independent method claim, claim 16 is an independent apparatus claim, and claim 33 is a computer program product claim. These claims have features corresponding to each other.

The amended claim 1 recites a method that comprises (1) selecting an access point among a plurality of access points for establishing a communication connection between a terminal device and a network using the selected access point, the terminal device having a plurality of application clients each accessing the network using a respective access point

of the plurality of access points; and (2) establishing the communication connection between the terminal device and the network through a transport layer proxy.

Takagi teaches a communication device/method inputs a first transport layer protocol data unit; creates a second transport layer protocol data unit based on the first transport layer protocol data unit, the second transport layer protocol data unit containing data as contained in the first transport layer protocol data unit and having a protocol data unit size different from a size of the first transport layer protocol data unit; and outputs the second transport layer protocol data unit to a network (Abstract, col. 1, line 66 to col. 2, line 15 and Fig. 2 – as cited by the Examiner). In rejecting claim 1, the Office compares the “second transport layer protocol” in Takagi with the “second software application (or the transport layer proxy)” of the present invention. The Applicant respectfully disagrees.

As disclosed by Takagi in Fig. 2, a communication device 100 includes: (1) application clients (applications 200 and 201); (2) middleware (a TCP layer 300 and an IP layer 400); and (3) a plurality of access points (interface units 500 and 510) (col. 3, lines 49-59). According to Takagi, the IP layer 400 forwards the data received from the interface input according to the address of the data (col. Col. 4, lines 19-34). The TCP layer 300 transfers data from the IP layer to the application, or transfers the data from the application to the interface output. In doing so, the TCP layer may create a data unit having a unit size different from the size of the IP data unit (TCP maximum Segment Size Controller 301).

However, Takagi fails to disclose the proxy “selecting an access point among a plurality of access points for establishing a communication connection between a terminal device and a network using said access point,” and “the terminal device having a plurality of application clients each accessing the network using a respective access point of the plurality of access points.”

In Takagi, the protocol layers 300 and 400 only forward data to different destinations according to the different predetermined addresses (col. 4, lines 24-28). They are not configured to “select an access point among a plurality of access points.” (This is

done, in the present invention, by a decision engine 117 as shown in Fig. 4. Takagi does not disclose such a feature.) Also, the "access point" as defined in the present application is not a destination (i.e. an address). It is an interface through which a connection to a destination (or an address) is established.

Based on the foregoing, the amended claim 1 is patentable over Takagi. Claims 16, 33 and all the dependent claims of the present application are also patentable. Applicant respectfully requests the above rejection of claims 1-30 and 33 under 35 USC §102(b) be reconsidered and withdrawn.

Conclusion


For all the foregoing reasons, it is believed that all of the claims of the application are allowable, and their passage to issue is earnestly solicited. Applicant's agent urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,

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